

**Senate Commerce, Labor & Agriculture Committee Amendment No. 1**

**Amendment No. 1 to SB2827**

**Cooper  
Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2827\***

**House Bill No. 2600**

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-5-504(a), is amended by deleting subdivision (1) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 62-5-504(a), is further amended in subdivision (3) by deleting the period at the end of the first sentence and by adding the language and punctuation "or have a valid authorization for the cremation of the decedent's remains pursuant to § 62-5-503."

SECTION 3. Tennessee Code Annotated, Section 62-5-502(a), is amended by inserting the following language after the first sentence in the subsection:

The antemortem cremation authorization form shall be acknowledged and signed before a notary public by the person executing the form, who is serving as the person's own authorizing agent, in the presence of two (2) witnesses who shall verify in such form that they are not related to such person by blood or marriage, and that they would not be entitled to any portion of the estate of the person upon the person's demise.

Section 62-5-502(a), is further amended by deleting the third sentence in its entirety, and by substituting instead the following language:

The antemortem cremation authorization form executed by such guardian, custodian, or other personal representative shall be acknowledged and signed before a notary public in the presence of two (2) witnesses who shall verify in such form that they are not related by blood or marriage to the person on whose behalf and for whom the

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cremation form is being executed, and that they would not be entitled to any portion of the estate of such person upon the person's demise.

SECTION 4. Tennessee Code Annotated, Section 62-5-504, is amended by adding a new subsection thereto, as follows:

(c) No operator of a crematory facility shall cremate or allow the cremation at a crematory facility of a dead human body if the person who signs the death certificate or any law enforcement officer delays the cremation based upon a reasonable belief that the cause of death may have been due to other than accidental or natural causes. A signed, written statement requesting the delay is a sufficient basis for the delay.

SECTION 5. Tennessee Code Annotated, Section 62-5-503, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)(1) Although a person may execute an antemortem cremation authorization form in accordance with this chapter, there is no requirement that such a form be executed for a person to authorize his or her own cremation, nor is there any requirement that a person execute a form of any kind or type whatsoever, or have, or obtain, the antemortem or postmortem consent of another with respect to the cremation of one's own body. If a person does designate that his or her own body be cremated, a designation of cremation by the decedent may include instructions for disposition of the ashes following cremation.

(2) If a decedent has not designated the method of disposition of his or her body either by executing an antemortem cremation authorization form, or otherwise, or has not executed a preneed funeral contract pursuant to title 62, chapter 5, part 4, the

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following persons in the descending order of priority listed below may serve as authorizing agents for the cremation or other disposition of a dead human body, including, without limitation, a dead human body that was donated to science for purposes of medical education or research:

(A) The spouse of the decedent, at the time of the decedent's death;

(B) A person serving as the executor or legal representative of the decedent's estate who is acting in accordance with the decedent's written instructions for the final disposition of the decedent's body;

(C) The decedent's surviving adult children. If the decedent is survived by more than one (1) adult child, any adult child of the decedent who states on the cremation authorization form that all of the decedent's other adult children have been notified of the decedent's death and of the plans to cremate the decedent and that none of them have expressed an objection to the cremation, may serve as the authorizing agent;

(D) The decedent's surviving parent or, if the decedent was under eighteen (18) years of age at death, a surviving parent or the guardian or custodian of the decedent. If the decedent is survived by both parents, either of them may serve as the authorizing agent by stating on the cremation authorization form that the other parent has been notified of the decedent's death and of the plans to cremate the decedent and that the other parent expressed no objection to the cremation;

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(E) Any person acting on the instructions of a decedent who authorized the decedent's own cremation by executing an antemortem cremation; or

(F) If the decedent was an indigent person or other person whose disposition of his or her body is the responsibility of the state of Tennessee or a political subdivision thereof, the public officer or employee responsible for arranging the final disposition of the decedent's body;

It is not a requirement that the crematory facility or funeral establishment contact all the individuals included on such list to obtain each such person's authorization for the disposition of the decedent's body, but rather once a person does authorize the disposition, the crematory facility or operator of a funeral establishment may rely on such decision and need not contact an individual who is below such person in the above descending order of priority.

(3) No operator of a funeral establishment or a crematory facility shall be subject to civil or criminal liability for the disposition of a dead human body in compliance with the provisions of this subsection regardless of whether the establishment or facility follows the instructions of the decedent or any other authorizing agent with respect to the cremation or other disposition of the decedent's body.

SECTION 6. Tennessee Code Annotated, Section 62-5-501, is amended by deleting item (1) in its entirety and by substituting instead the following:

(1) "Alternative container" means a simple receptacle, other than a casket, in which a dead human body or body parts are transported to a crematory facility and placed in the cremation chamber for cremation, that is:

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(A) Composed of readily combustible materials that are suitable for  
cremation; and

(B) Capable of being closed in order to provide a complete covering for  
the dead human body or body parts.

SECTION 7. Tennessee Code Annotated, Section 62-5-501, is further amended by  
deleting item (6) in its entirety and by substituting instead the following:

(6) "Cremation authorization form" means an instrument authorizing the  
cremation of a deceased human being or body parts of a human being following the  
death of a human being or removal of body parts to be cremated;

SECTION 8. Tennessee Code Annotated, Section 62-5-502(d), is amended by deleting  
such subsection in its entirety and by substituting instead the following:

(d) An antemortem cremation authorization form executed pursuant to subsection  
(a) does not constitute a contract for conducting the cremation of the person named in  
the authorization form or for the final disposition of the person's cremated remains.

SECTION 9. This act shall take effect July 1, 2000, the public welfare requiring it.